

**PINSKY 14**

Susan Pinsky

Page 124

1 Pinsky

2 Q. You have already testified that  
3 the factory hasn't been built but Tri-State  
4 Biodiesel as a company exists.

5 Isn't that correct?

6 A. Tri-State Biodiesel as a company  
7 exists but its not doing the business its  
8 meant to do, if you understand.

9 Q. Right now?

10 A. It has been started, it is in  
11 existence and they are building certain parts  
12 of it which will eventually feed into the  
13 factory, yes, but it makes no money. I'm not  
14 saying it doesn't bring any money in, it does,  
15 the burn right now from what I understand is  
16 35,000 a month, and they are not making 35,000  
17 a month.

18 Q. Tri-State has a web site; isn't  
19 that correct?

20 A. Yes, it does.

21 Q. And on the web site did it list  
22 its management team?

23 A. It did.

24 Q. Were you listed as one of those  
25 people?

Susan Pinsky

Page 125

1 Pinsky

2 A. I was.

3 Q. When was that?

4 A. I think from December until I was  
5 taken off, which would have been July or so.

6 Q. From December '06?

7 A. Yes.

8 Q. Why were you taken off?

9 A. Because you countersued me.

10 And Brent was afraid that it would  
11 harm the company, so I was taken off the web  
12 site and my officer position of being  
13 corporate secretary was taken away also, and I  
14 was no longer an officer of the company.

15 MR. LIEBERMAN: Can you read back  
16 the answer.

17 (Record read.)

18 Q. What was it that Mr. Baker was  
19 afraid would harm the company?

20 A. His reputation, the reputation of  
21 the company. He was afraid he would get  
22 pulled into a lawsuit. Tri-State has gotten a  
23 lot of really good public press, it really has  
24 for a company that doesn't exist, that's not  
25 up and operating. I mean, supposedly we have

**PINSKY 15**

Susan Pinsky

Page 128

1 Pinsky

2 Tri-State Biodiesel web site?

3 A. I would say December maybe  
4 November, but I think December to July.

5 MR. LIEBERMAN: Mark this as  
6 Defendant's Exhibit 17, for  
7 identification.

8 (Defendant's Exhibit 17, bio,  
9 marked for identification, as of this  
10 date.)

11 Q. Ms. Pinsky, directing your  
12 attention to Defendant's Exhibit 17, for  
13 identification.

14 Have you seen this version of the  
15 description of you on the Tri-State Biodiesel  
16 web site?

17 A. Yes.

18 Q. Can you tell me how Defendant's  
19 Exhibit 17 differs from Defendant's Exhibit  
20 16?

21 A. Yes.

22 Q. How is that?

23 A. 16 says I recently left my  
24 position as assistant treasurer at JPMorgan  
25 Chase, and the second one leaves that part

Susan Pinsky

Page 129

1 Pinsky

2 out.

3 Q. Are there any other differences  
4 between the two versions?

5 A. The first one says 10 years in  
6 experience specializing, the other one  
7 basically says the same thing but leave, no,  
8 it says 10 years corporate relationship  
9 management, I believe its the same thing its  
10 just kind of written out differently.

11 Q. Would it be fair to say that  
12 Defendant's Exhibit 17 is not attempting to  
13 trade on your employment experience at  
14 JPMorgan Chase while the first one is?

15 A. Yes.

16 Q. Did you ever preclear your  
17 investment in Tri-State Biodiesel with the  
18 JPMorgan Chase office of the secretary?

19 A. I did not.

20 Q. Did you ever preclear your officer  
21 position with Tri-State Biodiesel with the  
22 JPMorgan Chase office of the secretary?

23 A. I did not.

24 Q. Were you aware that you were  
25 required to do so by the code of conduct?

Susan Pinsky

Page 130

1 Pinsky

2 A. No, I was not.

3 Q. Are you affiliated in some way  
4 with an organization called Dance Parade?

5 A. I am.

6 Q. What is your relationship with  
7 Dance Parade?

8 A. I'm the liaison to government  
9 affairs.

10 Q. What does that mean?

11 A. That means I try to get people  
12 from the government to come to Dance Parade to  
13 support it. I got, I wrote some letters, I  
14 got a letter of support from Mr. Spitzer for  
15 Dance Parade; that's pretty much it, I went to  
16 a few --

17 MR. SCHWARTZ: You wrote to me.

18 A. That's right, I got Arthur aboard.

19 Q. Is Dance Parade a not-for-profit  
20 organization?

21 A. I believe so.

22 Q. Do you have any employment  
23 relationship with it?

24 A. No, I do not.

25 Q. Do you have any investor status



**PINSKY 16**



Susan Pinsky

Page 148

1 Pinsky

2 so I was stuck sitting down.

3 He said, "You can't sit down, it  
4 is making you worse." It was obvious, I was  
5 aware of this too, get a standing desk, that  
6 way you can stand and sit, stand and sit and  
7 that way we will take a lot of that pressure  
8 off of that hip, or the back as he thought it  
9 was, but it was really my hip.

10 Q. At that time did you know what a  
11 standing desk was?

12 A. He explained it to me.

13 Q. What did he tell you?

14 A. It was a desk, just a piece of  
15 equipment, they come in that they make  
16 nowadays for people, its nothing uncommon and  
17 you're able to use it because you can put your  
18 keyboard like I guess it has shelves where you  
19 could stand up and put your keyboard up and  
20 your computer above so you can stand and work.

21 Q. Okay.

22 Is it an adjustable desk?

23 A. You can stand and you can sit. I  
24 think you can adjust it to your height, I  
25 think or when they come they adjust it to your

Susan Pinsky

Page 149

1 Pinsky

2 height, they put it in but its versatile in  
3 that I can put my keyboard up, stand up and  
4 work, take my keyboard off and sit down and  
5 work, from what I understand; I never actually  
6 got to see one.

7 Q. Okay.

8 After he made this recommendation  
9 to you, what did you do?

10 A. I called Dee Lakhani. And I said,  
11 "My doctor said I need a standing desk."

12 Q. What did she say to you?

13 A. She said, "Call Barbara Zimmer,  
14 she's the HR rep, she's in charge of that."

15 Q. What did you do?

16 A. I called Barbara Zimmer.

17 Q. Did you have a conversation with  
18 her?

19 A. I did.

20 Q. What was that conversation?

21 A. I said, "I need a standing desk,  
22 my hip is killing me and this is what my  
23 doctor has prescribed."

24 Q. What did she say?

25 A. She said, "Absolutely, no problem,

Susan Pinsky

Page 150

1 Pinsky

2 get a letter from your doctor and then let me  
3 know. I'll give you the fax number and person  
4 to send it to in HR medical." I said, "Okay."

5 A few days later I followed up, I  
6 got the letter. I called her and I believe  
7 she e-mailed me the information or she told me  
8 over the phone. I don't remember now, and I  
9 faxed it to the woman we saw last time I was  
10 here in HR medical.

11 Q. Miriam Negrón?

12 A. Miriam Negrón.

13 Q. Do you have any sort of  
14 documentation showing that you faxed it to Ms.  
15 Negrón?

16 A. I do, I had the cover sheet and  
17 the actual fax I faxed her.

18 Q. When you say the actual fax, what  
19 do you mean?

20 A. Well, my letter, excuse me, the  
21 letter from the doctor and the fax cover.

22 Q. Okay.

23 And do those documents show that  
24 it was received?

25 A. No, they do not.

**PINSKY 17**

Susan Pinsky

Page 156

1 Pinsky

2 April 4th, 2005 would that refresh your  
3 recollection as to when you spoke to her for  
4 the first time?

5 A. April 4th?

6 Q. Yes.

7 A. That sounds like it would be  
8 around the right time.

9 Q. Okay.

10 A. It could be.

11 Q. Then to backtrack a little bit,  
12 between February 24th, 2005 and April 4th,  
13 2005, did you ever speak to anybody in the  
14 medical department?

15 A. I did not.

16 Q. Okay.

17 After you refaxed the cover sheet  
18 and Dr. Weinberg's letter to Cindy Chan, what  
19 happened after that?

20 A. I received an e-mail that was  
21 actually cc'd to me. It was an e-mail that  
22 went directly to my manager, Dee Lakhani, it  
23 was cc'd to me and my HR rep, Barbara Zimmer  
24 from Cindy Chan saying Susan needs a desk, we  
25 received the letter from her doctor, get her

Susan Pinsky

Page 157

1 Pinsky

2 the desk now.

3 MR. LIEBERMAN: Mark this as  
4 Defendant's Exhibit 21, for  
5 identification.

6 (Defendant's Exhibit 21, e-mail,  
7 marked for identification, as of this  
8 date.)

9 Q. Directing your attention to  
10 Defendant's Exhibit 21, for identification.

11 Is that the e-mail from Cindy Chan  
12 that you were just testifying about?

13 A. It is.

14 Q. What happened after you received  
15 this e-mail?

16 A. Nothing, I thought I was getting  
17 my desk.

18 Actually another e-mail came  
19 through from Dee to Cindy I think that day and  
20 cc'g me and her pretending that she didn't  
21 know how to order things on our web site. Dee  
22 mind you had been in management for five years  
23 at that point, and so Cindy gave her  
24 directions on exactly how to order the desk,  
25 and then nothing happened.

**PINSKY 18**



Susan Pinsky

Page 160

1 Pinsky

2 off this hip. Then by March the back pain  
3 started and it continuously got worse and  
4 worse until I left.

5 Q. This customer desk, were you able  
6 to stand at it?

7 A. I could stand at it.

8 Q. How much time of a workday did you  
9 spend standing at it?

10 A. As much as I could.

11 I remember holding myself up on my  
12 forearms, that's the kind of pain I was in  
13 literally, my back was killing me at this  
14 point.

15 Q. Was the pain at that point worse  
16 when you were standing or when you were  
17 sitting?

18 A. I would say equal. If I sat down  
19 my hip was killing me, if I stood up my back  
20 was killing me.

21 Q. Is that case --

22 A. Or both, I would say it was worse  
23 when I was sitting so I would try to stand,  
24 but I would get tired.

25 Q. Is it your understanding that at a

Susan Pinsky

Page 161

1 Pinsky

2 standing desk you would be able to sit and do  
3 work?

4 A. Yes.

5 Q. What's the basis for your  
6 understanding?

7 A. Because that's the way it works.  
8 Its versatile, you can sit and stand. They  
9 put in these additional shelves so that you  
10 can take your keyboard and just put it up on  
11 the shelf. There's a thing up here for your  
12 mousepad so you can stand up here and work.  
13 Or I can sit down and take the keyboard and  
14 put it back down on the desk and sit down as a  
15 regular desk, so I have the option.

16 Q. If I understand it, physically  
17 there would be one level on one side where you  
18 can sit and work and then next to it there is  
19 an elevated level?

20 A. Sort of.

21 Here's my cubicle, here's my  
22 regular desk, this I believe stays the same.  
23 They implement a piece which I guess has  
24 shelves which turn in and out. So they are in  
25 like this, I can sit and work. If I need to

**NEGRON** 19

Miriam Negron

Page 5

1

2 M I R I A M N E G R O N, called as a  
3 witness, having been duly sworn by a  
4 Notary Public, was examined and  
5 testified as follows:

6 EXAMINATION BY

7 MR. SCHWARTZ:

8 Q. Please state your name.

9 A. Miriam Negron.

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. My name is Arthur Schwartz. I  
13 represent Ms. Pinsky in a lawsuit and I have  
14 some questions I want to ask of you. If you  
15 don't understand something I ask you, please  
16 feel free to ask me to clarify. OK?

17 A. OK.

18 Q. What is your present position with  
19 JP Morgan Chase?

20 A. I'm the northeast region manager for  
21 health services.

22 Q. How long have you held that  
23 position?

24 A. Three years.

25 Q. So you started in '04?

Miriam Negron

Page 6

1 Negron

2 A. Correct.

3 Q. Before that did you have a position  
4 with Chase?

5 A. Yes.

6 Q. What position was that?

7 A. I was unit manager.

8 Q. What unit?

9 A. 270 Park.

10 Q. That was unit health services  
11 manager?

12 A. Yes. Yes.

13 Q. And the unit was at that building?

14 A. At 270, yes.

15 Q. How long did you hold that position?

16 A. Twelve years.

17 Q. Were you with Chase before that?

18 A. Yes.

19 Q. What position did you hold?

20 A. Staff nurse.

21 Q. Where did you do that?

22 A. At 270 Park.

23 Q. How long did you hold that position?

24 A. Four years.

25 Q. Is that your first position with

**NEGRON** 20

Miriam Negron

Page 14

1 Negron

2 Q. Did you at any step along the way,  
3 did you become involved in the process?

4 A. No.

5 Like creating the policy?

6 Q. No. Like assessing somebody's  
7 request for an accommodation.

8 A. I also function as a nurse, so, yes.

9 Q. You also do that?

10 A. Yes, I do.

11 Q. Employees that were seeking  
12 accommodations and weren't employed at 270  
13 Park or One Chase but maybe at a branch, would  
14 they go through your office to seek an  
15 accommodation?

16 A. If they are located within the area  
17 that I cover, yes.

18 Q. And what area do you cover as a  
19 nurse?

20 A. Chase Plaza.

21 Q. So you work along with the nurses at  
22 Chase Plaza as well?

23 A. As needed.

24 MR. SCHWARTZ: I'm going to show  
25 you -- mark this two-page document as



Miriam Negron

Page 15

1 Negron

2 Exhibit 3. The first is a fax cover  
3 sheet dated February 24, 2005 from Susan  
4 Pinsky to Miriam Negron, and the second  
5 is a letter on the letterhead of a Dr.  
6 Steven Weinberg, W-e-i-n-b-e-r-g, dated  
7 2/23/2005 addressed To Whom It May  
8 Concern.

9 (Plaintiff's Exhibit 3, two-page  
10 document, marked for identification, as  
11 of this date.)

12 Q. Would you take a look at these two  
13 pages, please.

14 Do you recall seeing this before?

15 A. Recently?

16 Q. Recently. You saw it in preparation  
17 for today's deposition?

18 A. I saw it from her chart, yes.

19 Q. And this was in her chart?

20 A. Yes.

21 Q. Do you actually recall receiving  
22 this?

23 A. No, I do not.

24 Q. Looking at this, well, did the chart  
25 indicate that you did anything with this

**ZIMMER** 21

Barbara Zimmer

Page 11

1 Zimmer

2 Q. And was there a reason why you kept a  
3 note on it?

4 A. Typically if a team member called I  
5 kept a note.

6 Q. All right. And this note -- the note  
7 is dated 2/8/05; is that correct?

8 A. Correct.

9 Q. Is this whole page the note from that  
10 day?

11 A. Since there's no other dates, I would  
12 assume it is.

13 Q. All right. Let's go through that  
14 note. Utilizing these notes, can you recount  
15 for us, as best you can, what was said during  
16 that discussion?

17 A. Based on the note, she told me that  
18 she was looking for a standing desk. It looks  
19 like I wrote down Merriam's name. She is --  
20 was, to the best of my recollection, Chase  
21 medical.

22 I must have told them that they  
23 needed a letter from her doctor with what the  
24 medical situation was, that it had to be  
25 specific. And that -- I told her to fax it to

Barbara Zimmer

Page 12

1 Zimmer

2 medical with her GID, which would be her ID  
3 number. That would be my assumption of the  
4 conversation.

5 Q. Okay. The subsequent notes are from  
6 other dates, 7/21 and 7/29/05.

7 A. Yes. It looks like whited-out is the  
8 date from the first note. I'm just assuming  
9 that because the column is blurred out on my  
10 copy. So I don't know if the first note was  
11 from 7/21 and the date of that note.

12 Q. All right. Then the third page of  
13 the document that you have is another e-mail  
14 that you're copied on; isn't that correct, on  
15 2/24/05?

16 A. The chiropractor?

17 Q. Yes.

18 A. Okay.

19 Q. And Ms. Pinsky asked you to send her  
20 the fax number to send the letter to?

21 A. Excuse me?

22 Q. She asked you to send her the fax  
23 number to send those doctors' letters to. And  
24 I think on the next page she sent you a  
25 subsequent e-mail saying she found the

**ZIMMER** 22

Barbara Zimmer

Page 21

1 Zimmer

2 Q. Okay. Do you recall hearing anything  
3 else about it prior to receiving the e-mail  
4 on -- dated 5/18/05 from Ms. Pinsky saying she  
5 was going to take a leave of absence on June  
6 22nd for surgery?

7 A. I'm sorry. What is the question?

8 Q. The next e-mail that has your name on  
9 it --

10 A. Yes.

11 Q. -- in the sequence. It's about a  
12 month and a half later, 5/18/05.

13 A. Yes.

14 Q. It's two pages later in the package.  
15 It's from Ms. Pinsky saying that she'll  
16 have -- she's going to be taking a leave of  
17 absence on June 22nd for surgery.

18 A. Yes.

19 Q. And was going to be out for a minimum  
20 of two weeks.

21 Do you recall having any conversation  
22 with Ms. Pinsky prior -- between 4/8/05, the  
23 date of last e-mail from Ms. Lakhani, and that  
24 e-mail a month and a half later about the  
25 standing desk matter?

Barbara Zimmer

Page 22

1 Zimmer

2 A. Not that I recall.

3 Q. All right. And the next page is  
4 another -- subsequent e-mail from Ms. Pinsky  
5 about two weeks later, to Ms. Lakhani, with a  
6 copy to you saying, "Hi, my back is killing  
7 me. Any word on my standing desk."

8 And then you sent an e-mail to Dee  
9 Lakhani.

10 A. Yes.

11 Q. And then you sent a response back to  
12 Dee Lakhani saying, I thought they were giving  
13 her a place in the branch where she can stand;  
14 is that correct?

15 A. That's what the e-mail says.

16 Q. And -- and the next e-mail you  
17 received at 1:48 p.m. from Ms. Lakhani was a  
18 response to your question, I thought they were  
19 giving her a place in the branch where she  
20 could stand; and they said they did; is that  
21 correct?

22 Do you recall having any  
23 conversations other than the one on the e-mail  
24 about this?

25 A. I don't recall any.



**ZIMMER** 23

Barbara Zimmer

Page 27

1 Zimmer

2 receive.

3 Q. All right. Now, do you remember  
4 anything about the Chase program?

5 MR. LIEBERMAN: Objection. Which  
6 program?

7 A. I'd probably get it confused with the  
8 ones we have here.

9 BY MR. SCHWARTZ:

10 Q. Well, the Chase program that applied  
11 to Ms. Pinsky; do you have any recollection  
12 about it, how it functioned?

13 A. I recalled that all of the home  
14 equity loan officers were released, that's the  
15 best of my recollection; that's the entire  
16 group was released at the same time.

17 Q. Do you recall whether you had any  
18 understanding of whether or not the releases  
19 that individuals were signing in connection  
20 with the severance plan went into effect prior  
21 to the termination date?

22 A. I don't remember the details of how  
23 that worked.

24 Q. So you don't recall whether the  
25 release became effective as of the termination

**LAKHANI** 24

**Dee Lakhani**

Page 9

1 **Lakhani**

2 **one?**

3 A. Either one, yes.

4 Q. All right.

5 Did she eventually, in 2005 were  
6 you still supervising her?

7 A. Yes.

8 Q. What was your title at that time?

9 A. I don't remember.

10 Q. Were you doing the same senior  
11 lending specialist type of work?

12 A. Yes.

13 Q. And was the supervisory  
14 responsibility something you did in addition  
15 to that?

16 A. Yes.

17 Q. How many employees did you  
18 supervise?

19 A. I don't remember the exact number,  
20 probably 10.

21 Q. All right.

22 Where was Ms. Pinsky working in  
23 2005, do you recall?

24 A. 55 Water Street.

25 Q. And where were you working in

**LAKHANI 25**

**Dee Lakhani**

Page 22

1 Lakhani

2 giveaways, business cards.

3 Q. Was it normally your  
4 responsibility to order equipment like this  
5 for the employees you were supervising?

6 A. I don't know, I never did before.

7 Q. You had never ordered any  
8 equipment before?

9 A. I don't think so.

10 Q. You don't think so or you don't  
11 know?

12 A. No.

13 Q. Did you ever order any equipment  
14 from ePurchase while you were a supervisor?

15 A. I don't remember.

16 Q. Do you recall ever having a  
17 conversation at or around that point with Ms.  
18 Pinsky concerning this request or this  
19 accommodation?

20 A. Yes.

21 Q. What do you recall about your  
22 conversation?

23 A. I remember her telling me she  
24 needed a standing desk because she was having  
25 back pains. So I called up, I asked her, I

**Dee Lakhani**

Page 23

1 Lakhani

2 said, "So what do I do?" She had told me she  
3 spoke to HR or something about it, and then I  
4 spoke to the branch. I called the branch to  
5 figure out where are we going to put this desk  
6 and of course we should let them know.

7 Then the branch suggested to me  
8 that there was a customer service desk in the  
9 back and I asked Susan to explain to me what a  
10 standing desk was. That might have been my  
11 second phone call back to her because the  
12 branch told me about the customer service desk  
13 which sounded like the standing desk that she  
14 was talking about. And then I went back to  
15 her, I said, "Hey, is this okay?" She said  
16 yes and that was our decision.

17 Q. Do you recall when that  
18 conversation was?

19 A. No.

20 Q. You don't recall when you had this  
21 conversation?

22 A. No.

23 Q. Was it all on the telephone?

24 A. I don't remember.

25 Q. Well, was it in person or was it



**LAKHANI 26**

**Dee Lakhani**

Page 24

1 **Lakhani**

2 **on the phone?**

3 A. I don't remember, it could have  
4 been on the phone; it was two years ago.

5 Q. Do you recall looking at a  
6 particular piece of furniture with Ms. Pinsky  
7 pointing it out to her saying, "Is this okay?"

8 A. No.

9 Q. You don't recall doing it or you  
10 didn't do that?

11 A. I did not look at piece of  
12 furniture. I had asked her if a piece of  
13 furniture was okay, the customer service desk  
14 in the back.

15 Q. You asked her if it was okay?

16 A. If it was okay to use as her  
17 standing desk.

18 Q. You recall exactly saying that,  
19 "Is that okay to use as your standing desk?"

20 A. I don't remember my exact words,  
21 it was two years ago, but we did have that  
22 conversation, yes.

23 Q. Ms. Pinsky, did she say, "I have  
24 got to go look at it?"

25 A. I don't remember.

**Dee Lakhani**

Page 25

1 Lakhani

2 Q. Or she just said yes?

3 A. I don't remember, but she  
4 eventually said yes or she did say yes. I  
5 don't remember if she looked at it or --

6 Q. What do you mean she eventually  
7 said yes? Did she say yes to you?

8 A. Yes.

9 Q. In a second phone call or in a  
10 second conversation?

11 A. I don't remember.

12 Q. Did you think that ended the  
13 matter?

14 A. Yes.

15 Q. So you didn't put in at that point  
16 on March 5th, you didn't put through an order  
17 on ePurchase of a standing desk?

18 MR. LIEBERMAN: Objection, you said  
19 March 5th.

20 Q. April 5th, excuse me.

21 At that point on April 5th you  
22 didn't put through or around April 5th you  
23 didn't put through an order at ePurchase for a  
24 standing desk?

25 A. No, I did not.

**LAKHANI 27**

**Dee Lakhani**

Page 26

1 Lakhani

2 Q. You believed the entire matter was  
3 resolved by using the customer service desk?

4 A. Yes.

5 Q. Do you recall what you heard about  
6 this next?

7 A. Yes.

8 Q. What did you hear?

9 A. Awhile after I got an e-mail from  
10 Susan saying, "Where is my standing desk?"

11 Q. All right.

12 Can you turn to Exhibit 10. Is  
13 that e-mail, the one on the bottom sent on  
14 May 31st, 2005?

15 A. Yes.

16 Q. 3:51 p.m?

17 A. Yes.

18 Q. That's the e-mail that you got  
19 from Ms. Pinsky?

20 A. Yes.

21 Q. Then the response to that, is your  
22 response the line above that?

23 A. Yes.

24 Q. All right.

25 Who is Dolly?

**LAKHANI: 28**

**Dee Lakhani**

Page 30

1 **Lakhani**

2 **concern, did you talk to anybody about it?**

3 A. I must have, I don't remember.

4 Q. Do you recall?

5 A. No, I don't remember.

6 Q. Did you call Susan and ask her how  
7 she was doing?

8 A. I must have.

9 Q. But you don't recall?

10 A. I don't recall.

11 Q. The 10 employees who worked for  
12 you at that time, were they all about to be  
13 for want of a better word, laid off?

14 A. Yes.

15 Q. They all had their positions being  
16 terminated by Chase?

17 A. Yes.

18 Q. Was your position being terminated  
19 by Chase as well?

20 A. No.

21 Q. Of the 10 employees that you had  
22 working for you, did any of them continue  
23 working for Chase in other capacities?

24 A. Yes.

25 Q. How many of the 10?

**CENTENO 29**



Migdalia Centeno

Page 6

1 Centeno

2 Chase?

3 A. Yes, I am.

4 Q. What's your position?

5 A. Business banker.

6 Q. And what is a business banker?

7 A. I handle business customers only.

8 They are business accounts instead of personal  
9 accounts.

10 Q. And how long have you been a business  
11 banker?

12 A. Year and a half.

13 Q. What position did you hold with Chase  
14 before that?

15 A. Assistant branch manager.

16 Q. Was that in a particular bank?

17 A. At 55 Water Street and several other  
18 branches.

19 Q. Was 55 Water Street the last branch  
20 that you were branch manager at?

21 A. Yes. Assistant branch manager.

22 Q. Assistant branch manager.

23 Who was the branch manager?

24 A. I went through three branch managers  
25 at 55 Water Street.

Migdalia Centeno

Page 7

1 Centeno

2 Q. And do you recall their names?

3 A. Mike Mullinelli, Keith Swanson and  
4 John Empirial.

5 Q. Was Susan Pinsky a banking employee  
6 at 55 Water Street?

7 A. She was a Chase employee.

8 Q. A Chase employee?

9 A. Yes.

10 Q. And she was doing home equity work  
11 while you were there?

12 A. Yes.

13 Q. Did you have any responsibility over  
14 her employment, as an assistant branch  
15 manager?

16 A. None at all.

17 Q. Did you know her?

18 A. Yes.

19 Q. Just socially?

20 A. She was working in my branch as a  
21 home equity rep, I think.

22 Q. But her manager was Ms. Lakhani?

23 A. Yes.

24 Q. And while -- did you talk to her on  
25 occasion?

**CENTENO 30**

Migdalia Centeno

Page 8

1 Centeno

2 A. Yes.

3 Q. Do you recall ever having  
4 conversations with her about her back hurting?

5 A. Yes.

6 Q. Do you recall the nature of those  
7 conversations?

8 I'm not asking for dates and times,  
9 but what was the nature of your discussion  
10 with her.

11 A. Nothing specific. She just said she  
12 had back problems.

13 Q. Do you recall ever having a  
14 discussion with her where you were asked  
15 whether she could -- withdrawn.

16 Do you recall any discussion with her  
17 about her desk situation being changed to  
18 accommodate her back pain?

19 A. Yes. She said she needed a special  
20 desk. And I asked her what is a special desk,  
21 and had she spoken to her manager, Dee  
22 Lakhani.

23 She explained it was a taller desk,  
24 and she had spoken to Dee.

25 Q. All right. And that was one

Migdalia Centeno

Page 9

1 Centeno

2 conversation, or you talked to her about this  
3 several times?

4 A. We had several conversations.

5 Q. All right. Do you ever recall having  
6 a conversation with her where you asked her if  
7 some alternative desk set up was satisfactory  
8 to her?

9 A. I did not ask her specifically if one  
10 desk over another might be better. When I saw  
11 her working at a specific desk, I asked her is  
12 that the desk that you need. Is that helping  
13 you. And she said, yes, this is what I need,  
14 this is exactly what I need.

15 Q. Is that called a CS service desk?  
16 Was it a desk in the back of the  
17 branch?

18 A. A service desk. That's where I  
19 eventually put her.

20 Q. You put her there?

21 A. Yes. The way the layout of that  
22 branch is, we have two sections. The main  
23 section where the public walks into. The back  
24 section, were predominantly by appointment  
25 only.

**CENTENO 31**

Migdalia Centeno

Page 10

1 Centeno

2 She started to work in my main  
3 section. And I couldn't have her there  
4 because she's visible to the public, and they  
5 would think she's an employee not doing any  
6 work. So we had an exact desk in the back  
7 that I switched her to.

8 Q. What do you mean "an exact desk"?

9 A. It's taller desk. A customer service  
10 desk.

11 Q. And describe what a customer service  
12 desk is?

13 A. If you're standing in front of it,  
14 its probably waist high. And you get an  
15 adjustable chair, you know, to suit your  
16 height if you wanted to sit at it.

17 Q. Is it a kind of desk used for  
18 informational people in the front of a bank or  
19 something?

20 A. For service, yeah. You walk into a  
21 branch and say, I'd like to stop payment,  
22 that's where you go.

23 Q. All right. So you -- you said  
24 Ms. Pinsky was in the front and it would look  
25 like she wasn't doing any work.

**CENTENO 32**



Migdalia Centeno

Page 12

1 Centeno

2 Q. You saw her working at the customer  
3 service desk in the front?

4 A. In the front.

5 Q. She said that's exactly what I need,  
6 so you came up with the idea of moving that  
7 desk to the back, or putting a similar desk  
8 like that in the back?

9 A. Not a similar desk, an exact desk in  
10 the back. We had two customer service desks.

11 Q. So you had that desk set up in the  
12 back, and then you told Ms. Pinsky to move  
13 there?

14 A. Mm-hmm.

15 Q. What did she say?

16 A. She said fine. Because it's what she  
17 needed.

18 Q. All right. Did she say anything like  
19 this is good until I get my standing desk?

20 A. No.

21 Q. Did she ever complain to you about  
22 still being in pain as a result of that  
23 customer service desk?

24 A. I do not recall her complaining after  
25 I moved her.

**CENTENO 33**

Migdalia Centeno

Page 13

1 Centeno

2 Q. Did you get involved in any -- after  
3 you moved her there, did you have any  
4 discussions with anybody about Ms. Pinsky  
5 standing at that -- utilizing the customer  
6 service desk?

7 A. No. Just to tell Dee that that's  
8 what I had done, her immediate supervisor.

9 Q. And what did Dee say?

10 A. Nothing. She just said, oh, okay.

11 Q. So the idea didn't come from Dee?

12 A. No.

13 Q. It was your idea?

14 A. Yes. After observing Susan at the  
15 service desk.

16 Q. Did you know there was any discussion  
17 going on about ordering a standing desk?

18 A. No.

19 Q. Do you know what a standing desk is?

20 A. Mm-hmm.

21 Q. What's the difference between a  
22 customer service and a standing desk?

23 A. To me there is no difference. It's a  
24 standing desk. It's a taller desk. If you  
25 stand by it, it is up to your waist or a bit

Migdalia Centeno

Page 14

1 Centeno

2 higher.

3 Q. Well, you said that the customer  
4 service is up to your waist?

5 A. Or a bit higher.

6 I mean, for me, it's up to my chest.

7 Q. And the standing desk is a little  
8 higher, couple of inches higher?

9 A. I couldn't tell you exactly if it's  
10 higher, the same height.

11 Q. Is there any difference in the chair  
12 that comes along with the --

13 A. With the customer service desk?

14 Q. Yes.

15 A. Absolutely. It's a adjustable.

16 Q. The chair at customer service is  
17 adjustable?

18 A. Mm-hmm.

19 Q. And the chair that comes with the  
20 standing desk -- is there a chair that comes  
21 with it?

22 A. I do not know.

23 Q. Has there been any standing desks  
24 located at 55 Water Street?

25 A. Not that I recall. Not while I was